


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEFAN BATCHELOR	:	CIVIL ACTION
	:	
v.	:	NO. 24-4981
	:	
J. SIMMONDS	:	

**ORDER**

AND NOW, this 16<sup>th</sup> day of January 2025, upon considering the Defendant's Motion to dismiss (ECF 18) the pro se Complaint (ECF 1), the incarcerated Plaintiff's pro se Response (ECF 24), and for reasons in today's accompanying Memorandum, it is **ORDERED** Defendant's Motion to dismiss (ECF 18) is **GRANTED in part** requiring we **dismiss with prejudice** Plaintiff's claims against Defendant in his official capacity but otherwise **DENIED** allowing Plaintiff to proceed on his Eighth Amendment excessive force civil rights claim and state law assault and battery claim against Defendant in his individual capacity requiring Defendant file an Answer to the Eighth Amendment excessive force civil rights claim and state law assault and battery claims by no later than **January 30, 2025**.

  
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KEARNEY, J.